GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

STARRED QUESTION NO:130
ANSWERED ON:07.03.2008
SETTING UP OF HIGH COURTS BENCHES
Jatiya Dr. Satyanarayan;Krishnadas Shri N.N.

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the names of States having more than one bench of the High Court;

(b) whether the Government has received any application from certain State Governments particularly from Madhya Pradesh to establish new High Court Benches; and

(c) if so, the details thereof and the action taken thereon?

Answer

MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ)

(a), (b) & (c) : A statement is laid on the Table of the House.

Statement in reply to parts (a), (b) & (c) of the Lok Sabha Starred Question No. 130 dated 7th March, 2008.

(a): The States of Uttar Pradesh, Tamil Nadu, Rajasthan, Madhya Pradesh and Maharashtra have more than one Bench of their High Courts.

(b) & (c) : Establishment of a new High Court Bench is considered by the Central Government only when a proposal is received from the State Government in consultation with the Chief Justice of the concerned High Court. Requests have been received in the past for the establishment of Benches of the High Courts from the State Governmenisrof Madhya Pradesh, Uttar Pradesh, Karnataka, Kerala, Gujarat and Orissa but without the concurrence of the Chief Justices of the concerned High Courts. The then Chief Minister of Madhya Pradesh had suggested that the Government of India may refer the matter of creation of Additional Benches of the High Court at Bhopal, Raipur and Rewa to the Jaswant Singh Commission or set up a new Commission for the purpose. The suggestion of the Chief Minister was referred to the Jaswant Singh Commission in 1983. The Jaswant Singh Commission recommended establishment of a Bench of Madhya Pradesh High Court at Raipur. The Government of Madhya Pradesh, however, recommended the establishment of two Benches of the High Court at Raipur and Bhopal. Specific recommendations of the Commission were referred to the Government of Madhya Pradesh in 1986 for their views and comments, in consultation with the Chief Justice of the High Court. The Government of Madhya Pradesh intimated in December, 1991 that the issues involved in establishing new High Court Benches had several ramifications. Two petitions were filed in Madhya Pradesh High Court for issuance of a writ prohibiting the creation of more Benches of the High Court, while another petition was filed for establishing permanent Benches at Bhopal and Raipur. Subsequently, these petitions were transferred to the Supreme Court of India. The State Government, inter alia, stated that the matter needed to be viewed in all its aspects and was under careful consideration of the State Government. No further communication has been received from the State Government in this regard.

A proposal from the State of West Bengal in consultation with the Chief Justice of the Calcutta High Court, for setting up of a Bench of Calcutta High Court at Jalpaiguri was received in the year 2000. In pursuance to the said proposal, the Government has decided to set up a permanent Bench at Jalpaiguri, for which the requisite confirmation of the infrastructural arrangements for the Bench, is awaited from the Government of West Bengal and the Calcutta High Court.